

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

BRUCE ALLAN ADES,

Plaintiff,

V.

BUREAU OF THE FISCAL SERVICE,
UNITED STATES OF AMERICA,

Defendants.

CIVIL ACTION NO. 4:20-CV-00089-RWS

ORDER

Plaintiff Bruce Allan Ades filed this lawsuit in which he now asserts a claim against the United States under the Federal Torts Claims Act. Docket No. 19 (First Amended Complaint). Thirty days after filing his First Amended Complaint, Ades moved for a default judgment. Docket No. 20. The Magistrate Judge recommends denying Ades’s motion. Docket No. 26 (“Report and Recommendation”).

Because no objections to the Magistrate Judge’s Report have been filed, neither party is entitled to de novo review by the District Judge of those findings, conclusions and recommendations, and except upon grounds of plain error, they are barred from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. 28 U.S.C § 636(b)(1)(C); *Douglass v. United Services Automobile Assoc.*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc).

Nonetheless, the Court has reviewed the motion and the Magistrate Judge’s Report and Recommendation and agrees with the Report. *See United States v. Raddatz*, 447 U.S. 667, 683 (1980) (“[T]he statute permits the district court to give to the magistrate’s proposed findings of

fact and recommendations ‘such weight as [their] merit commands and the sound discretion of the judge warrants.’ ”) (quoting *Mathews v. Weber*, 23 U.S. 261, 275 (1976)). As such, the Court **ADOPTS** the Magistrate Judge’s Report and Recommendation as the findings and conclusions of the Court. It is therefore

ORDERED that Plaintiff Bruce Allan Ades’s Application and Motion for Default Judgment on the First Amended Complaint (Docket No. 20) is **DENIED**. It is further

ORDERED that Plaintiff Bruce Allan Ades shall properly serve the United States with a copy of the Amended Complaint in accordance with Rule 4 of the Federal Rules of Civil Procedure no later than 21 days from the date of entry of this Order.

So ORDERED and SIGNED this 6th day of November, 2020.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE